

STATE OF COLORADO

Bill Ritter, Jr., Governor
James B. Martin, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

August 29, 2008

Certified Mail Number: 7007 0220 0001 0156 8885

PWSID# CO-0210017
Mill Creek Park Water and Improvement Association
PO BOX 224,
DUMONT, CO-80436

RE: Service of Drinking Water Enforcement Order, Number: DC-080829-1

Dear Mill Creek Park Water and Improvement Association:

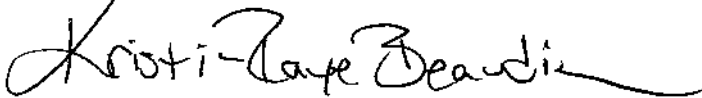
Mill Creek Park Water and Improvement Association hereby issued the enclosed Enforcement Order (the "Order"). This Order is issued by the Colorado Department of Public Health and Environment, Water Quality Control Division (the "Department") pursuant to the authority given to the Department by §25-1.5-203 of the Colorado Revised Statutes ("C.R.S."). The Department bases this Order upon findings that Mill Creek Park Water and Improvement Association has violated the *Colorado Primary Drinking Water Regulations* (the "Regulations") as described in the enclosed Order.

As a recipient of an enforcement order Mill Creek Park Water and Improvement Association may request a formal hearing to contest the Order in accordance with the Regulations, 5 CCR 1003-1, §1.6.7(g). Requests for such a hearing must be filed in writing with the Department within thirty (30) calendar days after service of the Order. Hearings on enforcement orders shall be held in accordance with applicable provisions of the State Administrative Procedure Act, §§24-4-101 through 24-4-108, C.R.S.

This action could result in the imposition of administrative or civil penalties. The Department or a State District Court is authorized pursuant to §25-1-114.1, C.R.S. to impose a penalty of up to \$1,000 per violation per day. Please be advised that the Department is continuing its investigation into this matter and the Department may identify supplementary violations that warrant amendments to this Order or the issuance of additional enforcement actions.

Should Mill Creek Park Water and Improvement Association desire to informally discuss this matter with the Department or if Mill Creek Park Water and Improvement Association have any questions regarding the Order, please don't hesitate to contact Cathy Heald at (303) 692-3254 or by electronic mail at catherine.heald@state.co.us.

Sincerely,

A handwritten signature in black ink that reads "Kristi-Ray Beaudin". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Kristi-Ray Beaudin, Legal Assistant
Compliance Assurance and Data Management Section
WATER QUALITY CONTROL DIVISION

Enclosure

cc: Clear Creek County Environmental Health Department
Compliance Monitor / Drinking Water File

ec: Doug Camrud, Engineering Section, CDPHE
Dick Parachini, Watershed Program, CDPHE
Betsy Beaver, Facility Operators Program, CDPHE
Shawn McCaffrey, EPA Region VIII
Patricia Klocker, Assistant Division Director, Consumer Protection Division, CDPHE
Carolyn Schachterle, OPA



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL DIVISION

ENFORCEMENT ORDER

NUMBER: DC-080829-1

IN THE MATTER OF: MILL CREEK PARK WATER AND IMPROVEMENT ASSOCIATION
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0210017
CLEAR CREEK COUNTY, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment (the "Department") by §25-1-109 and §25-1.5-203 of the Colorado Revised Statutes ("C.R.S."), which authority has been delegated to the Department's Water Quality Control Division (the "Division"), the Division hereby makes the following findings and issues the following Enforcement Order:

GENERAL FINDINGS

1. Mill Creek Park Water and Improvement Association ("Mill Creek") owns and/or operates a drinking water system located approximately 3.5 miles North West of the Town of Dumont in the vicinity of Mill Creek Road and Columbine Road, Clear Creek County, Colorado (the "System").
2. Mill Creek is a person as defined by 5 CCR 1003 1, §1.5.2(92).
3. Mill Creek is a supplier of water within the meaning of §25 1.5 201(2), C.R.S. and its implementing regulation, 5 CCR 1003 1, §1.5.2(122).
4. The System is a public water system as defined by §25 1.5 201(1), C.R.S. and its implementing regulation, 5 CCR 1003 1, §1.5.2(101).
5. The Public Water System Identification Number ("PWSID"), assigned to the System by the Division is PWSID # CO-0210017.
6. Pursuant to 5 CCR 1003-1, §1.2, the System is subject to the Colorado Primary Drinking Water Regulations (the "Regulations"), which were adopted pursuant to §25 1.5 203, C.R.S.
7. Mill Creek provides piped water for human consumption from the System to at least 25 people, but does not serve 25 or more of the same people for 60 or more days per year. The System is classified as a "community water system" as defined by 5 CCR 1003 1, section 1.5.2(131).

8. The System's source of water is surface water as defined by 5 CCR 1003-1, §1.5.2(123).

First Violation
(Failure to Maintain Adequate Disinfection Treatment)

9. Pursuant to 5 CCR 1003-1, §7.1.3(b), a public water system that uses a surface water source or a groundwater source under the direct influence of surface water and serves fewer than 10,000 people must provide disinfection treatment as specified in 5 CCR 1003-1, §7.1.2.
10. Pursuant to 5 CCR 1003-1, §7.1.2 (c)(1) and §7.3.1(a)(1), the disinfection treatment must be sufficient to ensure that the total treatment processes of that system achieve at least 99.9 percent (3-log) inactivation and/or removal of *Giardia lamblia* cysts, at least 99.99 percent (4-log) inactivation and/or removal of viruses, and at least 99 percent (2-log) removal of *Cryptosporidium* between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer, as determined by the Department.
11. Division records establish that the System utilizes a combination of hypochlorination and ultraviolet radiation technologies to achieve disinfection.
12. In accordance with the Division's plans and specifications approval, and in order to achieve the disinfection specifications of 5 CCR 1003-1, §7.1.2(c)(1) and §7.3.1(a)(1), Mill Creek is required to maintain the ultraviolet transmittance rate at 40% to 100% at all times to achieve functional disinfection from its ultraviolet radiation treatment equipment.
13. Consistent with 5 CCR 1003-1, §7.1.4(a)(2), the Department has required the System to measure and report the lowest daily ultraviolet transmittance rate in its monthly operating report.
14. Pursuant to 5 CCR 1003-1, §7.1.5(a)(2), the System is required to report its disinfection information within 10 days after the end of each month the system serves water to the public.
15. Mill Creek's operating reports for the months of April 2007 through July 2008 include, among other information and data, the following reported ultraviolet transmittance rates ("UVT").

Filter House A			Filter House C		
Month	Day	UVT	Month	Day	UVT
April 2007	1-2	30%	April 2007	1-4	30%
	3	20%		5-8	20%
	4	30%		9-12	30%
	7	30%		13-17	20%
	8	20%		21	30%
	9	30%		22	20%
	10-11	20%		23	30%

Filter House A			Filter House C		
Month	Day	UVT	Month	Day	UVT
April 2007	12	30%	April 2007	28-30	30%
	13-14	20%			
	15-18	30%			
	19	20%			
	24	30%			
	27	20%			
	28-30	30%			
May 2007	9	30%	May 2007	Not reported except May, 8 = 55%	
	10-19	20%			
	20	15%			
	21-23	35%			
	24-27	30%			
	28	35%			
	29	30%			
	30-31	20%			
June 2007		No Violations	June 2007		No Violations
July 2007	1-26	20%	July 2007	Not reported	
	27-31	0%			
August 2007	1-31	10%	August 2007	1-12	10%
				13	Not reported
				14-31	10%
September 2007	1-20	10%	September 2007	1-30	10%
	21-30	15%			
October 2007	1-12	15%	October 2007	1-31	10%
	13-31	10%			
November 2007	1-20	10%	November 2007	1-20	10%
December 2007	30	39%	December 2007	No Violations	
January 2008	2-4	30%	January 2008	No Violations	
	13-14	30%			
March 2008	17	36%	March 2008	No Violations	
	18-19	30%			
	22	35%			
June 2008	16-19	10%	June 2008	1-19	20%
	24-25	30%		26	30%
June 2008	26-29	20%	June 2008		
July 2008	2	30%	July 2008	8	30%

Filter House A			Filter House C		
Month	Day	UVT	Month	Day	UVT
July 2008	4	30%	July 2008		
	5	25%			
	6-16	20%			
	21	30%			

16. Mill Creek's failure to maintain the ultraviolet transmittance rate at 40% to 100% as identified in paragraph 15 above constitutes violations of 5 CCR 1003-1, §7.1.2 (c)(1) and §7.3.1(a)(1).

COMPLIANCE ORDER

Based upon the foregoing factual and legal determinations and pursuant to 5 CCR 1003-1, §1.6.7, Mill Creek is hereby ordered to:

17. Immediately comply with the *Colorado Primary Drinking Water Regulations*, 5 CCR 1003-1, Articles 1 through 12.

Further, the Division hereby orders Mill Creek to comply with the following specific terms and conditions of this Order.

18. In order to ensure long-term compliance with the surface water treatment requirements and the lead and copper corrosion control treatment requirements, Mill Creek shall evaluate and upgrade, as needed, the System's water sources and/or treatment process(es) in accordance with the following schedule:

- a. By September 30, 2008, retain a qualified individual or entity (such as a licensed Colorado professional engineer experienced in drinking water systems) to evaluate and recommend filtration and disinfection treatment technologies or alternate water sources to Mill Creek to ensure compliance with the surface water treatment requirements of 5 CCR 1003-1, Articles 7 and the lead and copper corrosion control treatment requirements of 5 CCR 1003-1, Articles 8.
- b. By December 31, 2009, submit for Department review and comment a Preliminary Engineering Report for the Mill Creek System improvements to comply with the surface water treatment and the lead and copper corrosion control treatment requirements.

- i. The Preliminary Engineering Report submittal package must be developed consistent with the Colorado Drinking Water Preliminary Engineering Report Guidance & Review Checklist Form.

(see http://www.cdphe.state.co.us/wq/opa/pdf/19_CPERGuideChecklistDW.pdf)

- ii. If an alternate water source is proposed, submit for Department review and comment detailed engineering plans and specifications for the source including a description of the alternate water source along with a copy of the laboratory analyses supporting that the alternate water source is suitable.

- iii. The Preliminary Engineering Report must clearly identify the specific treatment technology Mill Creek will use to ensure compliance with surface water treatment and the lead and copper corrosion control treatment requirements.
- iv. The Preliminary Engineering Report must include a process flow schematic of the distribution system from wellheads to points of use, including flow rates, treatment facilities, storage tanks and all service connections supplied by the wells. Alternative treatment locations for the selected treatment process or processes must be evaluated with a recommended location selection. The process flow schematic information and evaluation must be included to ensure all water from the System is treated.
- v. The Preliminary Engineering Report must include a proposal for management of residuals from the treatment technology selected.
- vi. The Preliminary Engineering Report submittal package must include design calculations showing the proposed treatment system is properly sized and chlorine contact times can be met for expected flow rates.

{Please note that, prior to construction, the Department must give final approval to any modifications to the System's water source or treatment process. The Department will not perform a detailed review and final approval of any proposed modifications until the final design plans and specifications have been received pursuant to paragraph 18(c) below.}

- c. By January 1, 2009, submit Final Design Plans and Specifications for the System improvements for Department review and approval in accordance with the State of Colorado Design Criteria for Potable Water Systems.
 - i. The Final Design Plans and Specifications submittal package must include specifications for treatment equipment and/or chemical additives that come in contact with the water that indicate ANSI standards 60 and 61 are met (NSF certification).
 - d. By October 1, 2009, complete construction/implementation of the Department approved System improvements to ensure long-term compliance with surface water treatment requirements of 5 CCR 1003-1, Articles 7 and the lead and copper corrosion control treatment requirements of 5 CCR 1003-1, Articles 8.
 - e. By November 1, 2009, submit a written certification that the System improvements to comply with the surface water treatment requirements of 5 CCR 1003-1, Articles 7 and the lead and copper corrosion control treatment requirements of 5 CCR 1003-1, Articles 8 were constructed/installed and are operational as approved by the Department.
19. Mill Creek shall submit "System Evaluation/Improvement Project - Progress Reports" to the Division every sixty (60) calendar days. The first report shall be submitted to the Division on September 30, 2008. At a minimum, each report shall clearly indicate the status of the system evaluation/improvement project at the time the report is filed and outline activities to be undertaken within the next sixty (60) calendar days.
20. Mill Creek shall immediately initiate efforts to ensure that each submitted Monthly Operating Report is complete and legible.

21. Mill Creek shall ensure that the public notice requirements of 5 CCR 1003-1, §9.2 are fulfilled for any subsequent violation of 5 CCR 1003-1, Article 7. Within ten (10) calendar days of completion of any required public notification, Mill Creek shall submit to the Department, along with the mandatory certification, a representative copy of each type of notice distributed, published, posted, and/or made available to the persons served by the system and/or to the media.

*Additional guidance for proper public notification can be viewed at the following Internet location:
http://www.cdphe.state.co.us/wq/drinkingwater/pdf/PublicNotice/PN_Guidance_Mar2003.pdf*

NOTICES AND SUBMITTALS

22. For all documents, plans, records, reports and replies required to be submitted by this order, Mill Creek shall submit an original and one copy (*electronic is preferred*) to the Division at the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division / WQCD-WQP-B2
Compliance Assurance and Data Management Section / Enforcement Team
Attention: Catherine Heald
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Email: catherine.heald@state.co.us

(For any facsimile transmittals, please include a cover sheet addressed to Ms. Heald.)

23. Pursuant to 5 CCR 1003-1, §1.6.4(e), all reports, notices, summaries, and certifications required to be submitted to the Department by the public water system must bear the original signature of the owner or the owner's authorized representative.

NOTICE OF COMPLETION

24. Mill Creek shall submit a Notice of Completion to the Division upon satisfactory completion of all requirements of this Enforcement Order. The Division shall either accept or reject the Notice of Completion in writing. If the Division rejects the Notice of Completion, it shall include in its notice a statement identifying the requirements that the Division considers incomplete or not satisfactorily performed and a schedule for completion. If Mill Creek wishes to dispute the Division's rejection of its Notice of Completion, it shall, within fifteen (15) calendar days of receipt of the Division's rejection, submit a written statement as to its belief of full compliance, addressing in detail all concerns the Division raised in the rejection letter to the System's Notice of Completion.

PRIOR APPROVAL REQUIRED

25. Pursuant to 5 CCR 1003-1, §1.11.2, no person shall commence construction of any new waterworks, or make improvements to or modify the treatment process of an existing waterworks, or initiate use of a new source, until plans and specifications for such construction, improvements, modifications or use

have been submitted to, and approved by the Department. The Department shall grant such approval when it finds that the proposed facilities are capable of complying, on a continuous basis, with all applicable laws, standards, rules and regulations.

POTENTIAL ADMINISTRATIVE/CIVIL AND CRIMINAL PENALTIES

26. You are also advised, pursuant to §25-1-114.1, C.R.S., that violators of the Regulations or final Enforcement Orders issued by the Department are subject to civil or administrative penalties of up to one thousand dollars (\$1,000) per violation per day, to be imposed by the Department or a State District Court. Further, pursuant to §25-1-114(4), C.R.S., any person, association, or corporation, or the officers thereof, who violates, disobeys, or disregards any provision of the Regulations or an Enforcement Order is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment and, in addition to such fine and imprisonment, shall be liable for any expense incurred by health authorities in removing any nuisance, source of filth, or cause of sickness. By virtue of issuing this Enforcement Order, the Department has not waived its right to bring an action for administrative, civil or criminal penalties and may bring such action in the future.

REQUEST FOR HEARING OR APPEAL

27. You are further advised, pursuant to 5 CCR 1003-1, §1.6.7(g), that a recipient of an Enforcement Order may request a hearing contesting such order. Requests for such a hearing shall be filed in writing with the Department within thirty (30) calendar days after service of the order. Such requests shall state the grounds upon which the order is contested and state the amount of time the recipient estimates will be required for the hearing. Hearings on Enforcement Orders shall be held in accordance with applicable provisions of the State Administrative Procedure Act, Article 4 of Title 24, C.R.S.

ADDITIONAL ACTION

28. You are further advised that under §25-1-114.1(1), C.R.S., the Department may institute a civil action against any person who violates a final Enforcement Order of the Department issued for violation of any minimum general sanitary standard or regulation adopted pursuant to §25-1.5-203, C.R.S.
29. Additionally, the Department may request the Attorney General to seek a temporary restraining order or permanent injunction to prevent or abate any violation of a minimum general sanitary standard or regulation adopted pursuant to §25-1.5-203, C.R.S. Further information concerning the aforementioned action is contained in §25-1-114.1(3), C.R.S.

Issued at Denver, Colorado, this 29th day of August, 2007.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

A handwritten signature in black ink, reading "Lori M. Gerzina". The signature is written in a cursive style with a horizontal line underneath it.

Lori M. Gerzina, Section Manager
Compliance Assurance and Data Management Section
Water Quality Control Division